IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 12563 of 2004

Between:

Reddy Rama Krishna Reddy S/o Late R.C.V.Reddy
All India Radio, Kothagudem Khamman District

..... PETITIONER

AND

The Station Director All India Radio, Ramvaram
Kothagudem, Khamman District Andhra Pradesh

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari and to call for records relating to and connected with order No.AIR/KGM/1(5)/DIS/2003-S/7 dt.02/05/2003 of the respondent and quash the same with all consequential benefits

Counsel for the Petitioner: MR.P.NAVEEN RAO

Counsel for the Respondent:

MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court at the stage of admission made the following:

HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.4352 OF 2004

ORAL ORDER:

The petitioner is seeking a direction in the nature of writ of Certiorari to call for the records from the respondent and to set aside the order dated 02-05-2003 suspending him from service.

2. The petitioner is working as L.D.C. in All India Radio. A crime, under Section 498-A read with Section 420 I.P.C. and Sections 4 to 6 of Dowry Prohibition Act, 1961, was registered against him at the instance of his wife in Suryapet Police Station. Subsequently, the Police laid the charge sheet, which was numbered as C.C.No.520 of 2003. Subsequent to the date of filing of the charge-sheet, he was arrested by the Police on 31-3-2003 and detained him in custody for a period of eight days. He was released on bail on 08-04-2003. After completion of suspension period of six months, the petitioner made an application to the respondent on 19-12-2003 requesting to revoke the suspension on the ground that the period of six months was over, and no order was said to be passed by the respondent till date.

3 . The learned counsel for the petitioner represented that no departmental action has been initiated against him. The learned counsel for the petitioner cited a judgment of this Court in **P.Rajender v. Union of India and another**, by stating that the suspension cannot be ordered in a routine manner, simply because the rules enable the concerned authority. The suspension of an employee on the mere ground of filing of a case against him for offences under Sections 494 and 498-A I.P.C. after the charge-sheet has been filed without considering the question whether it has any impact on the employee continuing in service, is illegal. Since this Court is not going into the merits of the matter, the petitioner is at liberty to bring to the notice of the respondent.

4. The petitioner, in addition to the earlier representation dated 19-12-2003, may also make a further representation with a request to revoke the suspension order by mentioning the further grounds, if any, to be considered in his favour. The respondent is directed to dispose of the representation, dated 19-12-2003 and the further representation, if any, to be submitted by the petitioner, within two weeks from the date of the presentation of the said representation if any, if not pass orders within two weeks from the date of receipt of a copy of this order on the earlier representation dated 19-12-2003.

The writ petition is accordingly disposed of.

Dr. G.YETHIRAJULU, J.

20th July, 2004.

SKM

Note:

C.C. within three days.

B/O.

SKM
TO

1. The Station Director All India Radio, Ramvaram
Kothagudem, Khamman District Andhra Pradesh

2. Two C.D.Copies.